

THURSDAY, MAY 18, 1989

FORTY-EIGHTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Thomas E. Dunser, II, Pastor, Edgefield Baptist Church, Nashville, Tennessee.

Representative Bill Purcell led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 95

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

The Speaker announced that Representative Duer was excused because of personal travel plans outside the state.

The Speaker announced that Representative Odom was excused because of out-of-town business.

The Speaker announced that Representative Robinson (Washington) was excused because of business to attend for the National Dairy Board.

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**RULES SUSPENDED**

Rep. Hobbs moved that the rules be suspended for the purpose of introducing House Resolution No. 65 out of order, which motion prevailed.

**House Resolution No. 0065 -- Memorials, Retirement -- Honors Mrs. Lucille Spy upon retirement.** by \*Hobbs, \*Bragg.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hobbs, the resolution was adopted.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**\*House Bill No. 0919 -- County Officers --** Permits persons other than sheriff to serve process for general sessions courts in certain counties. Amends TCA, Title 8, Ch. 8.

Further consideration of House Bill No. 919, previously considered on April 6, April 20 and May 4, 1989, at which time it was reset to the Calendar for May 18, 1989.

Rep. C. Turner (Shelby) moved that House Bill No. 919 be passed on third and final consideration.

Rep. C. Turner (Shelby) moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 919 by deleting Section 1 of the printed bill in its entirety and by substituting instead the following and by redesignating the subsequent sections accordingly:

Section 1. Tennessee Code Annotated, Section 8-8-108(b)(4), is amended by adding the following at the end of the subdivision:

However, in any county having a population of 770,000 or more, according to the 1980 federal census or any subsequent federal census, such fees shall not be counted as court costs.

Section 2. Tennessee Code Annotated, Section 8-8-108(b)(5), is amended by adding the following sentence:

In any county having a population of 770,000 or more, according to the 1980 federal census or any

subsequent federal census, the person so appointed shall be required to give bond to the state of Tennessee for the benefit of the state in a penal sum of fifteen thousand dollars (\$15,000) with such surety or sureties as the judge may approve, conditioned for the faithful performance and execution by such person of his duties and for the payment of all moneys that may come into his hands by virtue of such appointment.

Section 3. Tennessee Code Annotated, Section 8-8-108(b), is amended by adding a new subdivision to be appropriately designated:

( ) In any county having a population of 770,000 or more, according to the 1980 federal census or any subsequent federal census, the collection of fees for such private process service shall be solely the responsibility of the person serving the process.

Section 4. Tennessee Code Annotated, Section 8-8-108(b), is amended by adding a new subdivision to be appropriately designated:

( ) In any county having a population of 770,000 or more, according to the 1980 federal census or any subsequent federal census:

(A) The judges of the courts of general sessions shall promulgate rules of court to govern the application of this subsection in their county.

(B) These rules established by the court shall include, but not be limited to, a requirement that the process server shall have a computer capability approved by the general sessions court clerk.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. C. Turner (Shelby) moved that House Bill No. 919, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	3

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron,

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Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

Representatives voting no were: Callicott, Niceley, Stamps -- 3.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0080 -- Memorials, Government Officials --** Requests certain state agencies to jointly undertake action necessary for prompt payment for provision of goods and services rendered under state contracts.

Rep. Armstrong moved that House Joint Resolution No. 80 be adopted.

Rep. Rhinehart moved to amend as follows:

**Amendment No. 1**

Amend House Joint No. 80 by deleting from the second resolving clause the language "on monthly payment" and by substituting instead the language "after receipt of goods and services if there is no dispute".

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved to amend as follows:

**Amendment No. 2**

AMEND House Joint Resolution No. 80 by inserting the following language as a new resolving clause immediately preceding the final resolving clause:

BE IT FURTHER RESOLVED, That this body further requests the department of general services, the department of transportation, and the department of finance and administration jointly:

(1) To review the provisions of New York's prompt payment statute and to compare and contrast the provisions of that statute with Tennessee's current payment policies, procedures, and practices;

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(2) To consider any statutory, regulatory, or administrative changes which may be needed to insure prompt payment in Tennessee; and

(3) To report findings and recommendations to the governor and to each member of the General Assembly on or before January 15, 1990.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Armstrong moved that House Joint Resolution No. 80, as amended, be adopted, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

**House Bill No. 0265 -- Drug and Alcohol Rehabilitation --** Establishes a comprehensive, culturally relevant, drug and alcohol abuse prevention, pilot program for minority community. Amends TCA, Titles 33, 68.

On motion, House Bill No. 265 was made to conform with Senate Bill No. 369.

On motion, **Senate Bill No. 369**, on same subject, was substituted for House Bill No. 265.

Rep. Love moved that Senate Bill No. 369 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0

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Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Bivens moved to suspend the rules to place the following study resolutions from page 2 of the Regular Calendar on the Consent Calendar, which motion prevailed by the following vote (House Joint Resolutions Nos. 25, 94, 97, 101, 129, 131, 205, 226, 240, 243, 252 and 325):

Ayes. . . . .	93
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Gunnels, Halteman, Harrill, Hassell, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

Representatives present and not voting were: Good -- 1.

A motion to reconsider was tabled.

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REGULAR CALENDAR, CONTINUED

House Bill No. 1311 -- Highway Signs -- Authorizes certain signs in certain circumstances. Amends TCA, Title 54, Chs. 17, 20, 21.

Further consideration of House Bill No. 1311, previously considered on May 10, 1989, at which time it was reset to the Calendar for May 18, 1989.

Rep. Naifeh moved that House Bill No. 1311 be passed on third and final consideration.

Rep. Rhinehart moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1311 by adding at the end of Section 1 the following language:

Provided, however, this section shall become operative only if the federal highway administrator advises the commissioner of transportation in writing that the provisions of this section shall not render Tennessee subject to loss of federal aid funds.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Naifeh moved that House Bill No. 1311, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	0
Present and not voting. . . . .	4

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Givens, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

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Representatives present and not voting were: Coffey, Head, Kernell, Stamps -- 4.

A motion to reconsider was tabled.

**\*House Bill No. 1199 -- Election Laws --** Revises certain voting procedures by absentee ballot. Amends TCA, Title 2, Ch. 6.

Further consideration of House Bill No. 1199, previously considered on May 10, 1989, at which time it was reset to the Calendar for May 18, 1989.

On motion, House Bill No. 1199 was made to conform with Senate Bill No. 1409.

On motion, **Senate Bill No. 1409**, on same subject, was substituted for House Bill No. 1199.

Rep. Curlee moved that Senate Bill No. 1409 be passed on third and final consideration.

**CHAIR TO DEBERRY**

Mr. Speaker Murray relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

**REGULAR CALENDAR, CONTINUED**

Rep. Naifeh moved the previous question, which motion prevailed.

Thereupon, Rep. Curlee moved that Senate Bill No. 1409 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps,



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Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

Representatives present and not voting were: Haun -- 1.

A motion to reconsider was tabled.

**House Bill No. 0775 -- Teachers -- Enacts "Education Truth in Reporting and Employee Protection Act of 1989". Amends TCA, Title 49.**

On motion, House Bill No. 775 was made to conform with Senate Bill No. 474.

On motion, **Senate Bill No. 474**, on same subject, was substituted for House Bill No. 775.

Rep. Bragg moved that Senate Bill No. 474 be passed on third and final consideration.

Rep. Givens moved the previous question, which motion prevailed.

Thereupon, Rep. Bragg moved that Senate Bill No. 474 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePrie, Dixon, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton -- 95.

A motion to reconsider was tabled.

**House Bill No. 1167 -- Landlord and Tenant -- Requires landlord to itemize all damages if security deposit retained; awards court**

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costs to tenant if he prevails in action to recover deposit. Amends TCA 66-28-301.

Further consideration of House Bill No. 1167, previously considered on May 10, 1989, at which time it was reset to the Calendar for May 18, 1989.

Rep. U. Jones (Shelby), moved to withdraw House Bill No. 1167 from the House, which motion prevailed.

**House Bill No. 0724 -- Contractors -- Revises Contractors Licensing Act of 1976. Amends TCA, Title 62, Ch. 6.**

Rep. Bivens moved that House Bill No. 724 be reset to the Calendar for Wednesday, May 24, 1989, which motion prevailed.

**\*House Bill No. 0551 -- Traffic Safety -- Requires horse drawn vehicles to be equipped with safety lights. Amends TCA 55-8-178.**

On motion, House Bill No. 551 was made to conform with Senate Bill No. 1123.

On motion, **Senate Bill No. 1123**, on same subject, was substituted for House Bill No. 551.

Rep. Moore (Lawrence) moved that Senate Bill No. 1123 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	2
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Yelton -- 90.

Representatives voting no were: Callicott, Winningham -- 2.

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Representatives present and not voting were: Harrill -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 1263 -- Solid Waste Disposal --** Requires notice of core drilling for new landfills; requires certain persons to be present at public meetings. Amends TCA, Title 68, Ch. 31, Pt. 1.

Rep. Moore (Lawrence) moved that House Bill No. 1263 be passed on third and final consideration.

Rep. Hillis moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 1263 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 68-31-106, is amended by adding the following new subsection:

(1) Any person applying for a registration for a solid waste processing facility or disposal facility or site for which a core drilling is required, shall notify the department at least forty-five (45) days in advance of the time, date and location at which such drilling is to be conducted. At least thirty (30) days in advance of such drilling, the applicant shall give public notice of such drilling. Such notice shall include the time, date and location at which the drilling is to be conducted, the name and address of the applicant, the name and address of the owner of the property on which the drilling is to be conducted and a brief description of the type of operation to be operated at the proposed site and the type of waste that will be accepted. Such notice shall be published in a daily newspaper of general circulation in the area in which the drilling is to occur.

(2) The person applying for a registration shall include a copy of the newspaper notice required pursuant to subdivision (1), if core drilling is required as part of the application. The application of any person who fails to meet the requirements of this subsection shall be denied.

(3) The provisions of this subsection shall only apply in counties having a population of not less than nine thousand six hundred fifty (9,650) nor more than nine thousand seven hundred fifty (9,750) and not less than thirty-four thousand seventy-five (34,075) nor more than thirty-four thousand one hundred seventy-five

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(34,175) according to the 1980 federal census or any subsequent federal census.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Moore (Lawrence) moved that House Bill No. 1263, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 0181 -- Sewage -- Requires commercial boating facilities to provide sewage disposal facilities. Amends TCA, Title 69.**

At the request of Rep. Odum, the Clerk announced that House Bill No. 181 will be reset to the Calendar for Wednesday, May 24, 1989.

**\*Senate Bill No. 0959 -- Local Education Agency -- Requires opening of schools after Labor Day; provides certain exceptions. Amends TCA, Title 49.**

Further consideration of Senate Bill No. 959, previously considered on March 29, 1989, at which time it was substituted for House Bill No. 1197, failed to pass for lack of a constitutional majority, and was re-referred to the Calendar and Rules Committee. On May 11, 1989, it was placed on the Calendar for May 18, 1989.

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Rep. Davidson moved that Senate Bill No. 959 be reset to the Calendar for Monday, May 22, 1989, which motion prevailed.

**House Bill No. 0761 -- Highway Patrol -- Fixes cost of traffic accident report.**

Further consideration of House Bill No. 761, previously considered on March 30, April 5 and April 12, 1989, at which time it was re-referred to the Calendar and Rules Committee. On May 11, 1989, it was placed on the Calendar for May 18, 1989.

Rep. Rhinehart moved that House Bill No. 761 be re-referred to the Calendar and Rules Committee, which motion prevailed.

**CONSENT CALENDAR**

**House Resolution No. 0061 -- Memorials, Public Service -- Congratulates Dismas House of Nashville on being honored by the National Association on Volunteers in Criminal Justice.**

**House Joint Resolution No. 0405 -- Memorials, Public Service -- Honors Judy Wahlstrom on her meritorious service to the Department of Human Services.**

**House Joint Resolution No. 0407 -- Memorials, Personal Achievement -- Congratulates Eddie Neal Allen, Dresden High School Salutatorian.**

**House Joint Resolution No. 0408 -- Memorials, Personal Achievement -- Congratulates Christen Lee Condry, winner of Modern Woodmen of America Civil Orator Contest.**

**House Joint Resolution No. 0410 -- Memorials, Personal Achievement -- Congratulates William "Tripp" Mullins III on earning Eagle Scout award.**

**House Joint Resolution No. 0411 -- Memorials, Public Service -- Commends Tommy Knowles for service as chairman and member of Wildlife Resources Commission.**

**House Joint Resolution No. 0412 -- Memorials, Congratulations -- Honors second annual Old Hickory Hills Civic Club Picnic.**

**House Joint Resolution No. 0413 -- Memorials, Professional Achievement -- Congratulates S. Lawson Crain, CPA, whose firm was named "Service-Small Business of the Year".**

**House Joint Resolution No. 0417 -- Memorials, Interns and Pages -- Honors Anthony Kapel "Van" Jones, 1989 legislative intern.**

**House Bill No. 1536 -- Alcoa -- Deletes reference to "Personnel Advisory Board". Amends Chapter 510, Private Acts of 191, as amended.**

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House Bill No. 1537 -- School Districts, Special -- Revises boundaries of Henry County special school district.

House Bill No. 1538 -- Rutherford County -- Revises purchasing procedures. Amends Chapter 421, Private Acts of 1943, as amended.

Senate Joint Resolution No. 0289 -- Memorials, Interns and Pages -- Honors Traci Sikkink, 1989 legislative intern.

Senate Joint Resolution No. 0290 -- Memorials, Public Service -- Honors W.C. Link.

Senate Joint Resolution No. 0291 -- Memorials, Professional Achievement -- Congratulates Steiner-Liff on 75th Anniversary.

The following study resolutions were placed on the Consent Calendar by special order earlier today.

\*House Joint Resolution No. 0025 -- General Assembly, Studies -- Creates special joint study committee to study issues relative to powers and effective functioning of units of local government.

Amendment No. 1

Amend House Joint Resolution No. 25 by inserting the following language after the first sentence of the first resolving clause:

Of such appointments one (1) committee member shall be a member of the Senate state and local government committee and one (1) shall be a member of the House state and local government committee.

On motion, Amendment No. 1 by Rep. Miller was adopted.

Amendment No. 2

Amend House Joint Resolution No. 25 by deleting from the first resolving clause the following language:

to conduct a study of the powers and effective functioning of units of local government.

and by substituting instead the following language:

to conduct a study of the authority and responsibility of local governments to enact and administer local building codes, zoning codes, fire codes, and other enactments of local governments which may relate thereto; and

to further study the administration of such regulatory areas vested in local governments; and

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to further study whether local governments adequately perform and discharge their regulatory responsibilities in these areas in a manner that is commensurate with the regulatory authority; and to further study if citizens can reasonably expect adequate protection of their interests as the result of local government regulation, administration, permitting, and control.

On motion, Amendment No. 2 by Rep. Copeland was adopted.

**Amendment No. 3**

AMEND House Joint Resolution No. 25 by deleting from the first resolving clause the words, figures, and symbols "a special committee to consist of four (4) members of the Senate and four (4) members of the House of Representatives" and by substituting instead the following:

"a special committee to consist of three (3) members of the Senate and three (3) members of the House of Representatives".

AND FURTHER AMEND by deleting from the final resolving clause the words, figures, and symbols "no later than February 1, 1990," and by substituting instead the following:

"no later than January 15, 1990,".

On motion, Amendment No. 3 by Rep. DeBerry was adopted.

**\*House Joint Resolution No. 0094 -- General Assembly, Studies -- Extends special sports authority committee created by HJR 661 of 95th General Assembly.**

**Amendment No. 1**

AMEND House Joint Resolution No. 94 by inserting the following language immediately after the first resolving clause:

"BE IT FURTHER RESOLVED, That the joint committee shall, for the duration of its existence, consist of three (3) members of the Senate and three (3) members of the House of Representatives, to be appointed by the respective speakers."

AND FURTHER AMEND by deleting from the final resolving clause the words, figures, and symbols "no later than December 1, 1989," and by substituting instead the following:

"no later than January 15, 1990,".

On motion, Amendment No. 1 by Rep. DeBerry was adopted.

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**\*House Joint Resolution No. 0097 -- General Assembly, Studies --**  
Continues HJR 551 relative to the study of certification and/or  
licensure of real estate appraisers.

**Amendment No. 1**

AMEND House Joint Resolution No. 97 by deleting the second  
resolving clause and by substituting instead the following:

BE IT FURTHER RESOLVED, That the special joint  
committee shall, for the duration of its existence, consist  
of three (3) members of the Senate and three (3) members of  
the House of Representatives, to be appointed by the  
respective speakers.

AND FURTHER AMEND by deleting from the final resolving  
clause the words, figures, and symbols "no later than February 1,  
1990," and by substituting instead the following:

"no later than January 15, 1990,".

On motion, Amendment No. 1 by Rep. DeBerry was adopted.

**\*House Joint Resolution No. 0101 -- General Assembly, Studies --**  
Continues special joint committee created by HJR 412 and continued  
by HJR 422 relative to mental retardation delivery systems.

**Amendment No. 1**

Amend House Joint Resolution No. 101 by deleting from the  
final resolving clause the words, figures, and symbols "no later  
than February 1, 1990," and by substituting instead the following:

"no later than January 15, 1990,".

On motion, Amendment No. 1 by Rep. DeBerry was adopted.

**\*House Joint Resolution No. 0129 -- General Assembly, Studies --**  
Extends the special joint committee to study post-secondary  
proprietary vocational institutions created by HJR 67 of the 95th  
General Assembly.

**Amendment No. 1**

Amend House Joint Resolution No. 129 by deleting from the  
final resolving clause the words, figures, and symbols "no later  
than December 1, 1989," and by substituting instead the following:

"no later than February 15, 1990,".

On motion, Amendment No. 1 by Rep. DeBerry was adopted.



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**\*House Joint Resolution No. 0131 -- General Assembly, Studies --**  
Creates joint committee to study conservatorships, guardianships and estates of incompetents.

**Amendment No. 1**

AMEND House Joint Resolution No. 131 by deleting from the first resolving clause the words, figures, and symbols "three (3) citizens, to be appointed jointly" and by substituting instead the following:

"two (2) citizens, to be appointed jointly".

AND FURTHER AMEND by deleting from the final resolving clause the words, figures, and symbols "no later than February 1, 1990," and by substituting instead the following:

"no later than January 15, 1990,".

On motion, Amendment No. 1 by Rep. DeBerry was adopted.

**\*House Joint Resolution No. 0205 -- General Assembly, Studies --**  
Continues the Special Joint Legislative Committee on Employment Training created by HJR 245.

**Amendment No. 1**

AMEND House Joint Resolution No. 205 by deleting from the first resolving clause the words "five members of the House of Representatives and five (5) members of the Senate to be appointed by the respective speakers" and by substituting instead the following:

"three (3) members of the Senate and three (3) members of the House of Representatives to be appointed by the respective speakers".

AND FURTHER AMEND by deleting from the final resolving clause the words, figures, and symbols "no later than February 15, 1990," and by substituting instead the following:

"no later than January 15, 1990,".

On motion, Amendment No. 1 by Rep. DeBerry was adopted.

**\*House Joint Resolution No. 0226 -- General Assembly, Studies --**  
Creates special joint committee to study employment agencies for temporary services and contract employers and role in workplace.

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Amendment No. 1

Amend House Joint Resolution No. 226 by deleting from the final resolving clause the words, figures, and symbols "no later than February 1, 1990," and by substituting instead the following:

"no later than January 15, 1990,".

On motion, Amendment No. 1 by Rep. DeBerry was adopted.

**\*House Joint Resolution No. 0240 -- General Assembly, Studies --**  
Creates special joint committee to study licensing of contractors and subcontractors.

**\*House Joint Resolution No. 0243 -- General Assembly, Studies --**  
Establishes study committee to investigate concept of equal pay for equal work for state employees.

Amendment No. 1

Amend House Joint Resolution No. 243 by adding the following language as a new resolving clause immediately preceding the final resolving clause:

BE IT FURTHER RESOLVED, That the chairman of the committee shall be appointed by the speaker of the house from which the resolution originated.

On motion, Amendment No. 1 by Rep. Pruitt was adopted.

Amendment No. 2

AMEND House Joint Resolution No. 243 by deleting from the second resolving clause the words "and two members to be appointed by the governor" and by substituting instead the following:

"and two (2) state employee representatives to be jointly appointed by the speakers".

AND FURTHER AMEND by deleting from the final resolving clause the words "by December 1, 1989" and by substituting instead the following:

"on or before January 15, 1990, at which time the committee shall cease to exist".

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On motion, Amendment No. 2 by Rep. DeBerry was adopted.

**House Joint Resolution No. 0252 -- General Assembly, Studies -- Establishes joint committee to study placement of littering signs on highways.**

**Amendment No. 1**

AMEND House Joint Resolution No. 252 by deleting from the first resolving clause the words, figures, and symbols "to consist of five (5) members of the House and five (5) members of the Senate" and by substituting instead the following:

"to consist of three (3) members of the Senate and three (3) members of the House of Representatives".

AND FURTHER AMEND by deleting from the final resolving clause the words, figures, and symbol "before December 15, 1989" and by substituting instead the following:

"before January 15, 1990".

On motion, Amendment No. 1 by Rep. DeBerry was adopted.

**\*House Joint Resolution No. 0325 -- General Assembly, Studies -- Continues and reconstitutes special joint committee created by HJR 205, and continued by HJR 547 relative to hazardous and solid waste.**

**OBJECTION -- CONSENT CALENDAR**

Objection was filed to the following on the Consent Calendar:

House Joint Resolution No. 240 was objected to by Rep. Shirley.

Under the rules, House Joint Resolution No. 240 was/were placed at the foot of the calendar for Monday, May 22, 1989.

Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, and that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

\*House Bill No. 0083 -- Trusts -- Regulates fund raising for certain catastrophic illnesses.

#### Senate Amendment No. 2

Amend House Bill No. 83 by deleting the period "." at the end of the first sentence of the second paragraph of Section 1 and by substituting instead the following words and punctuation:

"; provided, however, if in violation of this act contributions are accepted prior to entering into the trust relationship, then such contributions shall be placed in trust immediately upon establishment of the required trust relationship."

Rep. Pruitt moved that the House concur in Senate Amendment(s) No(s). 2, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt,

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Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

#### MOTION TO RECONSIDER

Senate Bill No. 0098 -- Motor Vehicles -- Restricts certain freight motor vehicles from traveling on certain municipal streets or alleys in certain circumstances.

Rep. Pruitt moved to lift from the table the motion to reconsider on Senate Bill No. 98, which motion prevailed.

Rep. Pruitt moved to reconsider our action in passing Senate Bill No. 98 on third and final consideration, as amended, which motion prevailed.

Rep. Pruitt moved to amend as follows:

#### Amendment No. 2

Amend Senate Bill No. 98 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Pruitt moved that Senate Bill No. 98, as amended, be repassed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	86
Noes. . . . .	3
Present and not voting. . . . .	2

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Hassell, Haun, Henry

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(Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shirley, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 86.

Representatives voting no were: Callicott, Hawkins, Stamps -- 3.

Representatives present and not voting were: Severance, Yelton -- 2.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS, CONTINUED**

\*House Bill No. 0643 -- Public Contracts -- Revises approval process for personal, professional, or consultant service contracts. Amends TCA 12-4-110.

**Senate Amendment No. 1**

Amend House Bill No. 643 by deleting Sections 1 and 2 in their entirety and by substituting therein the following:

SECTION 1. Tennessee Code Annotated, Section 12-4-110(a)(5), is amended by deleting the subdivision in its entirety and by substituting instead the following:

- (5) Purchases of services, the total cost of which is less than an amount determined pursuant to policy established by the commissioner of finance and administration and approved by the comptroller of the treasury, need not be approved by the commissioner of finance and administration; provided, however, such purchases are still subject to applicable provisions of the rules promulgated pursuant to Section 12-4-109. Notwithstanding the above language in this subdivision, contracts that have a total cost exceeding fifteen thousand dollars (\$15,000) must be approved by the commissioner of finance and administration; this fifteen thousand dollar (\$15,000) amount, however, is subject to change July 1 of each year, beginning July 1, 1990, based upon the calendar year change for the previous calendar year in the Consumer Price Index as

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published by the United States Bureau of Labor  
Statistics; or

**SECTION 2.** This act shall take effect on July 1, 1989,  
the public welfare requiring it.

Rep. Bragg moved that the House concur in Senate Amendment(s)  
No(s). 1, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Bell,  
Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles,  
Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis  
(Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon,  
Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill,  
Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron,  
Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R.  
(Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love,  
McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby),  
Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt,  
Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson  
(Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps,  
Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L.  
(Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams,  
Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representatives voting no were: Copeland -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 0684 -- Debtor Creditor Relations -- Requires  
certain notices prior to repossession of motor vehicles.**

**Senate Amendment No. 2**

Amend House Bill No. 684 by designating the existing  
language of Section 1 as subsection (a) and by adding the  
following new subsection:

(b) The notice requirements of this section shall not  
apply if the owner voluntarily surrenders the vehicle for  
repossession.

**Senate Amendment No. 3**

Amend House Bill No. 684 by deleting in Section 1 the first  
sentence in its entirety and substituting instead the following  
sentence:

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"If a motor vehicle is seized or repossessed in Tennessee, the sheriff of the county in which the seizure or repossession occurred shall be notified immediately of the action taken; provided, however, if the seizure or repossession occurred in a county having a metropolitan form of government, notification shall be made to the metropolitan police department."

Rep. Ussery moved that the House concur in Senate Amendment(s) No(s). 2 and 3, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

\*House Bill No. 1053 -- Motor Vehicles -- Prohibits tinted windows on motor vehicles. Amends TCA 55-9-107.

#### Senate Amendment No. 9

Amend House Bill No. 1053 by deleting from Section 1(a)(3)(i) the following language:

and taxpayer account number as found on that business' Tennessee department of revenue sales and use tax registration certificate.

#### Senate Amendment No. 10

Amend House Bill No. 1053 by deleting Section 1(a)(6) in its entirety and by substituting in lieu thereof the following new Section 1(a)(6):



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(6) Any vehicle model permitted by Federal regulations to be equipped with certain windows tinted so as not to conform to the specifications of subdivision (a)(1)(A) shall be exempt from subdivision (a)(1)(A) with respect to those certain windows. Likewise, vehicles bearing commercial license plates shall be exempt from the specifications of subdivision (a)(1)(A) for those windows rearward of the front doors. This subsection shall not be construed in any way to exempt the front door windows of any vehicle of any kind from the specifications of subdivision (a)(1)(A).

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 9 and 10, which motion prevailed by the following vote:

Ayes. . . . .	88
Noes. . . . .	7

Representatives voting aye were: Anderson, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Ellis, Gaia, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hobbs, Holcomb, Holt, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 88.

Representatives voting no were: Armstrong, Cross, DeBerry, Garrett, Givens, Hillis, Hubbard -- 7.

A motion to reconsider was tabled.

#### MOTION TO RECONSIDER

\*Senate Bill No. 1132 -- Motor Vehicles, Titling and Registration -- Revises requirements for motor vehicle certificates of title under certain circumstances. Amends TCA, Title 55, Ch. 3.

Rep. Naifeh moved to lift from the table the motion to reconsider on Senate Bill No. 1132 on third and final consideration, as amended, which motion prevailed.

Rep. Naifeh moved to reconsider our action in passing Senate Bill No. 1132.

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On motion, the House reconsidered its action in adopting Amendment No. 1. On motion, Amendment No. 1 was withdrawn.

Rep. Naifeh moved that Senate Bill No. 1132 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representatives present and not voting were: Good -- 1.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS, CONTINUED**

**House Bill No. 1164 -- Attorneys at Law -- Enacts "Legal Service Organization Act of 1989".**

**Senate Amendment No. 3**

Amend House Bill No. 1164 by adding the following language to the end of Section 8:

In establishing and enforcing reserve requirements, the commissioner shall prescribe and allow a reasonable phase-in period prior to mandating full compliance with such reserve requirements by any person transacting the business of legal insurance on the effective date of this act.

**Senate Amendment No. 4**

AMEND House Bill No. 1164 by deleting from Section 4(1) the words and figures "Section 18 of this Act"

and by substituting instead the following:

Section 16 of this Act

AND FURTHER AMEND by deleting from Section 8 the words and figures "Section 17 of this act"

and by substituting instead the following:

Section 15 of this Act

AND FURTHER AMEND by deleting from Section 11 the words and figures "Section 16 of this act"

and by substituting instead the following:

Section 15 of this Act

AND FURTHER AMEND by deleting from Section 12(2) the words "conducted pursuant to"

and by substituting instead the following words and punctuation:

conducted under this act:

AND FURTHER AMEND by deleting from Section 20 the figures and punctuation "6, 11, 13, 16, 18 "

and by substituting instead the following figures, punctuation and words:

6, 11, 15 and 17

Rep. West moved that the House concur in Senate Amendment(s) No(s). 3 and 4, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Gunnels, Halteman, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby),

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Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

House Bill No. 1285 -- Private Investigators -- Removes requirement of district attorney evaluating private investigator application. Amends TCA, Title 62, Ch. 26.

Senate Amendment No. 1

Amend House Bill No. 1285 by deleting the language of Section 1 in its entirety and substituting instead the following:

Chapter 26 of Title 62 of Tennessee Code Annotated is amended by deleting the existing language of Section 62-26-104 in its entirety and substituting instead the following:

Upon receipt of the application the clerk shall forward it to the Director of the Tennessee Bureau of Investigations, who shall have a reasonable time in which to ascertain whether the applicant has been convicted of a felony or two (2) misdemeanors in any state or federal court and submit his findings to the clerk. The director is empowered to charge a fee for such service, not to exceed the reasonable costs thereof.

Rep. Clark moved that the House concur in Senate Amendment(s) No(s). 1, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West,

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Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton,  
Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on House Bill No. 1053 and have this statement entered in the Journal.

Rep. Ivory O. Hillis

#### HOUSE ACTION ON SENATE AMENDMENTS, CONTINUED

House Bill No. 1352 -- Consumer Protection -- Revises various provisions of Health Club Bond Act. Amends TCA, Title 47, Ch. 18, Pt. 3.

#### Senate Amendment No. 1

Amend House Bill No. 1352 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 47-18-302, is amended by deleting the section in its entirety and by substituting instead the following:

Section 47-18-302. (a) It shall be unlawful to operate a health club unless a valid certificate of registration is obtained for each location where health club services or facilities are provided and payment of the fee required for such registration is made.

(b) Each holder of a certificate of registration shall display such certificate in a conspicuous place at the location where health club services or facilities are provided.

(c) Certificates of registration shall be renewed annually.

SECTION 2. Tennessee Code Annotated, Title 47, Chapter 18, Part 3, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_.

(a) An application for a certificate of registration shall be submitted on forms furnished by the division and shall be accompanied by:

(1) A registration fee of two hundred fifty dollars (\$250) per location; and

(2) Copies of all membership and health club agreements offered by the health club.

(b) Upon compliance with the provisions of this part by an applicant, the division shall issue a certificate of registration.

SECTION 3. Tennessee Code Annotated, Title 47, Chapter 18, Part 3, is amended by adding a new section thereto, as follows:

Section \_\_\_\_.

(a) A certificate of registration shall be valid for one (1) year from the date of issuance and shall be invalid upon expiration until it is renewed.

(b) Application for renewal of a certificate of registration shall be submitted to the division before the expiration date on forms furnished by the division, and shall be accompanied by:

(1) A fee of one hundred fifty dollars (\$150) per location; and

(2) Copies of all membership and health club agreements offered by the health club.

(c) Certificates of registration shall be subject to late renewal for thirty (30) days following their expiration date by payment of the prescribed fee plus a penalty of fifty dollars (\$50.00).

(d) No renewal application will be accepted more than thirty (30) days from its expiration.

(e) Upon compliance with the provisions of this part by an applicant, the division shall renew a certificate of registration.

SECTION 4. Tennessee Code Annotated, Title 47, Chapter 18, Part 3, is further amended by adding a new section thereto, as follows:

Section \_\_\_\_.

(a) No certificate of registration shall be transferable to another person.

(b) Upon a change in the information contained in the original application for a certificate of registration or in the most current application for renewal thereof, which reflects a change of ownership of more than forty-nine percent (49%) of a health club or any of its locations, a new certificate of registration shall be applied for and obtained prior to commencing or continuing business.

SECTION 5. Tennessee Code Annotated, Section 47-18-303, is amended by deleting the first sentence in its entirety and by substituting instead the following:

A health club agreement shall be unenforceable against the buyer, and the buyer shall be entitled to a refund less that portion of the total price which represents actual use of the facilities and less the cost of goods and services consumed by the buyer if:

SECTION 6. Tennessee Code Annotated, Section 47-18-303, is amended by deleting item (2) in its entirety and by substituting instead the following:

(2) The health club fails to obtain and maintain a certificate of registration as required by this part; or

SECTION 7. Tennessee Code Annotated, Title 47, Chapter 18, Part 3, is further amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. In addition to any other penalty provided by this part, the following, upon conviction, shall constitute a misdemeanor:

(1) The violation of any provision of this part;

(2) Obtaining or attempting to obtain a certificate of registration or a certificate of exemption through material misrepresentation or fraud;

(3) Obtaining an ownership interest in a health club or its assets when such health club is in violation of any provision of this part; or

(4) The willful failure to display conspicuously a proper certificate of registration or certificate of exemption.

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SECTION 8. Tennessee Code Annotated, Title 47, Chapter 18, Part 3, is amended by adding a new section thereto, as follows:

Section \_\_\_\_.

(a) Any individual, firm, corporation, association, or other legal entity who obtains an ownership interest in a health club or its assets shall be responsible for determining that such health club is in compliance with the provisions of this part.

(b) A health club shall provide written notice to the division by registered or certified mail within ten (10) days after any change in ownership or the sale of a health club or any of its locations.

(c) A health club shall provide written notice to the division within ten (10) days after the health club or any of its locations ceases to conduct business.

SECTION 9. Tennessee Code Annotated, Section 47-18-305, is amended by adding a new item thereto, as follows:

( ) Contain in boldface type of at least ten (10) points, the following statement:

**SHOULD YOU (THE BUYER) CHOOSE TO PAY THIS AGREEMENT IN FULL, BE AWARE THAT YOU ARE PAYING FOR FUTURE SERVICES AND MAY BE RISKING LOSS OF YOUR MONEY IN THE EVENT THIS HEALTH CLUB CEASES TO CONDUCT BUSINESS.**

SECTION 10. Tennessee Code Annotated, Section 47-18-305, is further amended by adding a new item thereto, as follows:

( ) Contain in boldface type, the following statements in separated paragraphs:

**(A) IN ADDITION TO ANY OTHER REMEDIES PROVIDED BY LAW, IN THE EVENT THIS HEALTH CLUB CEASES OPERATION AND FAILS TO OFFER YOU (THE BUYER) AN ALTERNATE LOCATION WITHIN FIFTEEN (15) MILES, WITH NO ADDITIONAL COST TO YOU, THEN NO FURTHER PAYMENTS SHALL BE DUE TO ANYONE, INCLUDING ANY PURCHASER OF ANY NOTE ASSOCIATED WITH OR CONTAINED IN THIS CONTRACT.**

**(B) STATE LAW REQUIRES THAT HEALTH CLUB AGREEMENTS BE PAYABLE ONLY IN THE FOLLOWING MANNER AND ANY HEALTH CLUB WHICH ENTERS INTO**



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HEALTH CLUB AGREEMENTS SHALL OFFER BOTH PAYMENT OPTIONS AT THE SAME PRICE, EXCLUDING INTEREST OR FINANCE CHARGES OR OTHER EQUIVALENT CHARGES WHICH SHALL NOT EXCEED EIGHTEEN PERCENT (18%) OF THE TOTAL CONTRACT PRICE:

(i) Full payment upon entering into the health club agreement; or

(ii) Equal monthly installments spread over the entire term of the agreement with any down payment (unless exempt as provided by law) limited to thirty percent (30%) of the total cost of the agreement.

(C) THIS CONTRACT DOES NOT CONTAIN ANY PAYMENTS OF ANY KIND, INCLUDING BUT NOT LIMITED TO, ENROLLMENT FEES, MEMBERSHIP FEES, OR ANY OTHER DIRECT PAYMENTS TO THE HEALTH CLUB, OTHER THAN FULL PAYMENT FOR THE HEALTH CLUB AGREEMENT OR MONTHLY INSTALLMENT PAYMENTS WITH ANY DOWN PAYMENT (UNLESS EXEMPT AS PROVIDED BY LAW) LIMITED TO THIRTY PERCENT (30%) OF THE TOTAL COST OF THE AGREEMENT.

(D) THERE ARE NO COMPLIMENTARY, COMPENSATORY, OR OTHER EXTENSIONS OF THE TERM INCIDENT TO THE TERM OF THIS CONTRACT; INCLUDING BUT NOT LIMITED TO A PROMISE OF LIFETIME RENEWAL FOR A MINIMAL ANNUAL FEE.

SECTION 11. Tennessee Code Annotated, Section 47-18-305, is further amended by designating the existing language as subsection (a) and by adding the following as new subsection (b):

(b) A health club shall not enter or offer to enter into a health club agreement unless the health club is fully operational and available for use. The division may, upon application, certify that a health club is fully operational if substantially all of the promised equipment and services are available for use, and the health club has made a diligent effort to provide the remaining equipment and services.

SECTION 12. Tennessee Code Annotated, Title 47, Chapter 18, Part 3, is amended by adding a new section thereto, as follows:

Section \_\_\_\_.

(a) It shall be unlawful to accept a down payment for a health club agreement in excess of thirty

percent (30%) of the total cost of the agreement without a valid certificate of exemption.

(b) Each holder of a certificate of exemption shall display such certificate in a conspicuous place at each location where health club services or facilities are provided.

(c) Certificates of exemption shall be valid for one (1) year from the date of issuance.

(d) Application for renewal of a certificate of exemption shall be submitted before the expiration date on forms furnished by the division, and shall contain a sworn certification by the holder that the requirements for exemption continue to be met, and that the holder is in full compliance with all provisions of this part.

(e) In the event a holder of a certificate of exemption ceases to meet the requirements for exemption, then the certificate of exemption shall be invalid.

(f) Within ten (10) days after any change in the information contained in the original application or the application for renewal, each holder of a certificate of exemption shall notify the division of the change by registered or certified mail.

(g) An application for exemption shall be submitted on forms furnished by the division and shall be accompanied by:

(1) A non-refundable application fee of fifty dollars (\$50.00); and

(2) A current personal or corporate financial statement prepared by a public accountant who holds a valid permit to practice in Tennessee.

(h) A certificate of exemption shall be granted, provided the application provides proof satisfactory to the division that the following criteria are met:

(1) The applicant has a net worth in excess of two hundred fifty thousand dollars (\$250,000) per location where health club services or facilities are provided; and

(2) The applicant has operated under substantially the same ownership and control for at least five (5) years.

(i) For the purpose of calculating net worth as provided in subsection (h), the following are excluded:

(1) Assets which represent pre-payment for future services;

(2) Accounts receivable due from health club members for future services.

SECTION 13. Tennessee Code Annotated, Section 47-18-306, is amended by deleting the second sentence in subsection (a) in its entirety.

SECTION 14. Tennessee Code Annotated, Section 47-18-301, is amended by adding a new item thereto, as follows:

( ) The term "health club" shall not include the following:

(A) Any organization primarily operated for the purpose of teaching a particular form of martial arts such as judo or karate;

(B) Weight loss or control services which do not provide physical exercise services, facilities, or equipment.

SECTION 15. Tennessee Code Annotated, Section 47-18-320, is amended by deleting the section in its entirety and by substituting instead the following:

Section 47-18-320. A violation of this part shall constitute a violation of the Tennessee Consumer Protection Act, compiled in Title 47, Chapter 18, Part 1. For the purpose of application of the Tennessee Consumer Protection Act, any violation of the provisions of this part shall be construed to constitute an unfair or deceptive act or practice affecting the conduct of any trade or commerce and subject to the penalties and remedies as provided by that act.

SECTION 16. Tennessee Code Annotated, Section 47-18-308, is amended by deleting the section in its entirety and by substituting instead the following:

Section 47-18-308. This act does not affect rights or duties that matured, liabilities or

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penalties that were incurred, or proceedings begun before its effective date.

**SECTION 17.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 18.** This act shall take effect January 1, 1990, the public welfare requiring it, and shall apply to all health club agreements entered into after January 1, 1990.

**Senate Amendment No. 2**

Amend House Bill No. 1352 by adding at the end of Section 12 the following new subsection:

( ) Any health club which had applied for and obtained an exemption from the bond requirement under prior law shall be exempt from the provisions of this part which prohibit acceptance of a down payment for a health club agreement in an amount in excess of thirty percent (30%) of the total cost of the agreement. The exemption established by this subsection shall only be valid as long as the health club operates under the same or substantially the same ownership and control that existed when the exemption was granted under prior law.

**Senate Amendment No. 3**

Amend House Bill No. 1352 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

**SECTION \_\_\_\_.** The provisions of this act shall not apply to any health club which is exempt from taxation under the provisions of Tennessee Code Annotated, Section 67-6-330(a)(19).

**Senate Amendment No. 4**

Amend House Bill No. 1352 by deleting the effective date section in its entirety and by substituting instead the following:

For the purpose of promulgating rules and regulations to implement this act, this act shall take effect on July 1, 1989. For all other purposes, this act shall take effect on January 1, 1990.

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Rep. Halteman moved that the House concur in Senate Amendment(s) No(s). 1, 2, 3 and 4, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

#### MESSAGE FROM THE SENATE

May 18, 1989

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 573, as requested.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

#### UNFINISHED BUSINESS

##### RULES SUSPENDED

Rep. Wheeler moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 427 out of order, which motion prevailed.

House Joint Resolution No. 0427 -- Memorials, Condolence -- Expresses sorrow at death of Charles Edward Shoopman. by \*Wheeler, \*Coffey, \*Turner B.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Wheeler, the resolution was adopted.

A motion to reconsider was tabled.

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NOTICE TO ACT ON SENATE AMENDMENTS

Pursuant to Rule No. 59, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Monday, May 22, 1989:

Senate Bill No. 573: Rep. Scruggs.

House Bill No. 827: Rep. Pruitt.

House Bill No. 970: Rep. Bittle.

Senate Bill No. 1135: Rep. Herron.

House Bill No. 1436: Rep. Wix.

RULES SUSPENDED

Rep. Hillis moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 415 out of order, which motion prevailed.

House Joint Resolution No. 0415 -- Memorials, Interns and Pages -- Commends Sara Jane Williams, 1989 legislative intern. by \*Hillis, \*Cross, \*Robinson Robb, \*Stallings, \*Crain, \*Pinion, \*Turner C, \*Wix, \*McAfee, \*Kernell, Givens, Wolfe.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hillis, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hillis moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 425 out of order, which motion prevailed.

House Joint Resolution No. 0425 -- Memorials, Retirement -- Honors Dr. Donald H. Bradley on retirement. by \*Hillis, \*Rhinehart, \*Davidson, \*Purcell, \*Wix, \*Halteman, \*DePriest, \*Callicott, \*Buck, \*Henry Dwight.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hillis, the resolution was adopted.

A motion to reconsider was tabled.

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**RULES SUSPENDED**

Rep. Henry (Putnam) moved that the rules be suspended for the introduction and passage on first consideration of House Bill No. 1547, which motion prevailed.

**House Bill No. 1547** -- Putnam County -- Abolishes county highway commission; creates office of county road supervisor. Repeals Chapter 609, Private Acts of 1951, as amended. by \*Henry Dwight.

**RULES SUSPENDED**

Rep. Buck moved that the rules be suspended for the introduction and passage on first consideration of House Bill No. 1546, which motion prevailed.

**House Bill No. 1546** -- Dekalb County -- Establishes court administered safety program. by \*Buck.

**RULES SUSPENDED**

Rep. Miller moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Bill No. 1451 can be heard by the State and Local Government Committee after session today, which motion prevailed.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 196: Rep(s). Cross and Hobbs added as prime sponsor(s).

House Bill No. 245: Rep(s). Naifeh added as prime sponsor(s).

House Bill No. 1263: Rep(s). Jackson added as prime sponsor(s).

House Joint Resolution No. 226: Rep(s). Moody added as prime sponsor(s).

House Joint Resolution No. 240: Rep(s). Byrd added as prime sponsor(s).

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INTRODUCTION OF RESOLUTIONS

**House Resolution No. 0062** -- Memorials, Congratulations -- Congratulates Mrs. Rose Newborn on being honored by the United Music Heritage Foundation. by \*Jones R.

The Speaker referred House Resolution No. 62 to the Calendar and Rules Committee.

**House Resolution No. 0063** -- Memorials, Interns and Pages -- Honors Charles Frederick Buck, 1989 legislative intern. by \*Buck, \*Curlee, \*Turner C, \*Moody, \*Williams K, \*Holcomb, \*Stamps, \*Halteman, \*Niceley, \*Shirley, Hassell, Moore U A.

The Speaker referred House Resolution No. 63 to the Calendar and Rules Committee.

**House Resolution No. 0064** -- Memorials, Interns and Pages -- Honors Celeste Gay, 1989 legislative intern. by \*Davis Ray, \*Garrett, \*King.

The Speaker referred House Resolution No. 64 to the Calendar and Rules Committee.

**House Joint Resolution No. 0418** -- Highway Signs -- Designates Interstate 181/U.S. Highway 23 as "James H. Quillen Parkway". by \*Good, \*Hubbard, \*Yelton, \*Holcomb, \*Robinson Ruth, \*Whitson, \*Hawkins, \*Severance, \*Huskey, \*Haun.

The Speaker referred House Joint Resolution No. 418 to the Transportation Committee.

**House Joint Resolution No. 0419** -- Memorials, Personal Achievement -- Honors Christy Bright, Volunteer High School valedictorian. by \*Givens.

The Speaker referred House Joint Resolution No. 419 to the Calendar and Rules Committee.

**House Joint Resolution No. 0420** -- Memorials, Personal Achievement -- Honors Jackie Livesay, valedictorian of Cherokee High School. by \*Givens.

The Speaker referred House Joint Resolution No. 420 to the Calendar and Rules Committee.

**House Joint Resolution No. 0421** -- Memorials, Personal Achievement -- Honors Kevin Lawson, Cherokee High School salutatorian. by \*Givens.

The Speaker referred House Joint Resolution No. 421 to the Calendar and Rules Committee.



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**House Joint Resolution No. 0422** -- Memorials, Personal Achievement -- Honors Brett Tucker, Volunteer High School salutatorian. by \*Givens.

The Speaker referred House Joint Resolution No. 422 to the Calendar and Rules Committee.

**House Joint Resolution No. 0423** -- Memorials, Personal Achievement -- Honors Amy Kay Wolfe, Clinch High School salutatorian. by \*Givens.

The Speaker referred House Joint Resolution No. 423 to the Calendar and Rules Committee.

**House Joint Resolution No. 0424** -- Memorials, Personal Achievement -- Honors Desiree Coker, valedictorian of Clinch High School. by \*Givens.

The Speaker referred House Joint Resolution No. 424 to the Calendar and Rules Committee.

**House Joint Resolution No. 0426** -- Memorials, Recognition and Thanks -- Honors Waverly Central High School on being selected one of Tennessee's Ten Great Schools for 1988-1989. by \*Collier.

The Speaker referred House Joint Resolution No. 426 to the Calendar and Rules Committee.

**RESOLUTIONS LYING OVER**

**Senate Joint Resolution No. 0277** -- General Assembly, Studies -- Creates joint committee to study pass-through funds in education.

The Speaker referred Senate Joint Resolution No. 277 to the Education Committee.

**INTRODUCTION OF BILLS**

**House Bill No. 1542** -- Sevier County -- Authorizes county executive to ban open burning. by \*Huskey, \*Davis R E.

Passed first consideration.

**House Bill No. 1543** -- Bradley County -- Removes approval requirement of road superintendent before making road department purchases. Amends Chapter 354, Private Acts of 1947, as amended. by \*Bivens, \*Harrill.

Passed first consideration.

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**House Bill No. 1544** -- Red Boiling Springs -- Revises charter. Amends Chapter 120, Private Acts of 1953, as amended. by \*Winningham, \*Wix.

Passed first consideration.

**House Bill No. 1545** -- Roane County -- Enacts hotel/motel tax. by \*Henry Jim.

Passed first consideration.

#### **SENATE BILLS ON FIRST CONSIDERATION**

**Senate Bill No. 1507** -- Gibson County -- Revises special school district tax rate. Amends Chapter 62, Private Acts of 1981, as amended. by \*McKnight.

Passed first consideration.

**Senate Bill No. 0594** -- Banks and Financial Institutions -- Requires bank treasurer to submit annual designation to commissioners of finance and administration and financial institutions. Amends TCA, Title 9, Ch. 4.

Held on the Clerk's desk pending third consideration of companion House Bill No. 509.

**Senate Bill No. 1110** -- Motor Vehicles -- Revises certain enforcement provisions of child restraint law; requires division of state audit to review and evaluate such law. Amends TCA, Titles 8, 12, 55, 56, 68, 71.

Held on the Clerk's desk pending third consideration of companion House Bill No. 754.

**Senate Bill No. 1218** -- Computers and Data Processing -- Revises procedures for multi step sealed bidding on public purchases of computer systems. Amends TCA 12-3-203.

Held on the Clerk's desk pending third consideration of companion House Bill No. 805.

**Senate Bill No. 1303** -- Insurance, Health, Accident -- Permits members of county election commission to participate in county group insurance. Amends TCA, Title 8, Ch. 27, Pt. 5.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1259.

**Senate Bill No. 1377** -- Telecommunications -- Authorizes study of funding source for child sexual abuse hotline.

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Held on the Clerk's desk pending third consideration of companion House Bill No. 1213.

**Senate Bill No. 1398** -- Budget Procedures -- Excludes certain counties from County Budget Law of 1990. Amends TCA 5-22-116.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1292.

**Senate Bill No. 1434** -- Election Laws -- Modifies provisions relative to voter registration forms. Amends TCA 2-2-115, 116.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1245.

#### **HOUSE BILLS ON SECOND CONSIDERATION**

**House Bill No. 1539** -- Madison County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**House Bill No. 1540** -- Wayne County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**House Bill No. 1541** -- Hamilton County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

#### **STATE AND LOCAL GOVERNMENT**

**May 18, 1989**

**MR. SPEAKER:** Your State and Local Government Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 1451 (as amended).

**MILLER, Chairman.**

Under the rules, House Bill(s) No(s). 1451 (as amended); was/were transmitted to the Calendar and Rules Committee.

#### **ENGROSSED BILLS**

**May 18, 1989**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 919, 1263 and 1311; and House Joint Resolution(s) No(s). 80; and find same correctly engrossed and ready for transmission to the Senate.

**BETTY KAY FRANCIS,**  
Chief Engrossing Clerk.

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MESSAGE FROM THE SENATE

May 18, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1370; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

May 18, 1989

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 187; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

May 18, 1989

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 185, 384, 385, 388, 389, 391, 392, 393 and 395; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

May 18, 1989

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 396, 397, 398, 399, 400, 403 and 404; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

May 18, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 393; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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**ENGROSSED BILLS**

**May 18, 1989**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1536, 1537 and 1538; and House Joint Resolution(s) No(s). 325, 405, 407, 408, 410, 411, 412, 413, 415, 417, 425 and 427; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

**May 18, 1989**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 57, 58, 59, 60 and 65; find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**

**May 18, 1989**

The Speaker announced that he had signed the following: House Resolution(s) No(s). 57, 58, 59, 60 and 65.

**ENGROSSED BILLS**

**May 18, 1989**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 25, 94, 97, 101, 129, 131, 205, 226, 243 and 252; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 18, 1989**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 225; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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MESSAGE FROM THE SENATE  
May 18, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 213; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
May 18, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 319; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
May 18, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 515, 595, 596, 642, 708, 744, 753, 770, 790, 840, 852, 1050, 1099, 1136, 1203, 1230 and 1252; also, House Joint Resolution(s) No(s). 27, 190, 228, 370, 371, 381, 382, 383, 394, 406, 414 and 416; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
May 18, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 24, 109, 113, 208, 215, 358, 378, 384, 640, 716, 791, 860, 958, 979, 1136, 1185, 1262, 1367 and 1423; also, Senate Joint Resolution(s) No(s). 40, 63, 207, 208, 209, 210, 211, 212, 213, 214, 287 and 288; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

THURSDAY, MAY 18, 1989 -- FORTY-EIGHTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

May 18, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 122 and 449; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 18, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 515, 595, 596, 642, 708, 744, 753, 770, 790, 840, 852, 1050, 1099, 1136, 1203, 1230 and 1252; and House Joint Resolution(s) No(s). 27, 190, 228, 370, 371, 381, 382, 383, 394, 406, 414 and 416; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 18, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 376, 388 and 618; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

May 18, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 409; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

THURSDAY, MAY 18, 1989 -- FORTY-EIGHTH LEGISLATIVE DAY

**MESSAGE FROM THE SENATE**

**May 18, 1989**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 441; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 18, 1989**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 294, 295, 296, 298, 299, 339, 340 and 341; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Joint Resolution No. 0294** -- Memorials, Public Service -- Honors George C. Jones for service to community.

**Senate Joint Resolution No. 0295** -- Memorials, Condolence -- Honors memory of James Andy Carr of Blount County.

**Senate Joint Resolution No. 0296** -- Memorials, Personal Achievement -- Congratulates valedictorians of 28th Senatorial district.

**Senate Joint Resolution No. 0298** -- Memorials, Public Service -- Honors Mervin Pregulman for his many contributions to Chattanooga and Tennessee.

**Senate Joint Resolution No. 0299** -- Memorials, Congratulations -- Honors Harrison Elementary School on fiftieth anniversary.

**Senate Joint Resolution No. 0339** -- Memorials, Retirement -- Honors Norman Anderson on retirement.

**Senate Joint Resolution No. 0340** -- Memorials, Congratulations -- Honors Nashville Electric Service on 50th Anniversary.

**Senate Joint Resolution No. 0341** -- Memorials, Personal Occasion -- Honors Mr. and Mrs. Charles Wimberly on 40th wedding anniversary.



**THURSDAY, MAY 18, 1989 -- FORTY-EIGHTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

**May 18, 1989**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bill(s) No(s). 101, 130, 157, 205, 206, 402, 1153, 1154, 1442, 1505, 1543 and 1553; passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**\*Senate Bill No. 0101 -- Racing -- Requires horse racing to be conducted outdoors. Amends TCA, Title 4, Ch. 36.**

**Senate Bill No. 0130 -- Sunset Laws -- Extends termination date of department of mental health and mental retardation. Amends TCA, Title 4, Chs. 3, 29; Title 8, Ch. 4; Title 33; Title 34, Ch. 4; Title 36, Ch. 3; Title 37, Ch. 1; Title 40, Ch. 35; Title 41, Ch. 21; Title 49, Chs. 5, 11; Title 53, Ch. 11; Title 55, Ch. 7; Title 56, Ch. 7; Title 57, Chs. 3, 5; Title 63, Ch. 13; Title 68, Chs. 5, 11; Title 71, Ch. 6.**

**\*Senate Bill No. 0157 -- Sunset Laws -- Extends termination date of state university and community college system, board of regents. Amends TCA, Title 4, Ch. 29; Title 8, Chs. 36, 50; Title 49, Chs. 3, 4, 7, 8; Title 68, Ch. 31.**

**\*Senate Bill No. 0205 -- Apportionment, Legislative -- Redistricts certain state senatorial districts. Amends TCA 3-1-102.**

**\*Senate Bill No. 0206 -- Apportionment, Legislative -- Redistricts certain state representative districts. Amends TCA 3-1-103.**

**\*Senate Bill No. 0402 -- Limitation of Actions -- Makes statutes of limitations inapplicable to units of local government. Amends TCA 28-1-113.**

**Senate Bill No. 1153 -- Bond Issues -- Authorizes \$126 million bond issue for state facilities; cancels certain bonds.**

**Senate Bill No. 1154 -- Appropriations -- Makes appropriations to defray the expenses of state government for fiscal year beginning July 1, 1989.**

**Senate Bill No. 1442 -- Zoning -- Authorizes county legislative body to charge fees for building permits required under zoning laws. Amends TCA, Title 13, Ch. 7, Pt. 1.**

**\*Senate Bill No. 1505 -- Courts, General Sessions -- Permits general sessions judge of Moore County to serve part time. Amends TCA 7-3-311.**

**THURSDAY, MAY 18, 1989 -- FORTY-EIGHTH LEGISLATIVE DAY**

**Senate Bill No. 1543 -- Bond Issues --** Authorizes issuance of \$75 million in bonds for additional department of correction facilities.

**Senate Bill No. 1553 -- Election Laws --** Revises provisions relative to punch card ballots in Dyer County. Amends TCA 2-5-206.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES  
May 18, 1989**

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1539, 1540 and 1541.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
May 18, 1989**

**MR. SPEAKER:** Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, May 22, 1989: House Bill(s) No(s). 311, 134, 509, 1045, 1524 and 1323.

PHILLIPS, Chairman.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
May 18, 1989**

**MR. SPEAKER:** Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, May 24, 1989: House Bill(s) No(s). 778, 198, 972, 196, 662 and 805; House Joint Resolution(s) No(s). 206; and House Bill(s) No(s) 889.

PHILLIPS, Chairman.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
CONSENT CALENDAR  
May 18, 1989**

**MR. SPEAKER:** The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, May 22, 1989: Senate Joint Resolution(s) No(s). 232, 154, 78 and 176; House Resolution(s) No(s). 62, 63 and 64; House Joint Resolution(s) No(s). 419, 420, 421, 422, 423, 424 and 426; and House Bill(s) No(s). 1539, 1540 and 1541.

PHILLIPS, Chairman.

THURSDAY, MAY 18, 1989 -- FORTY-EIGHTH LEGISLATIVE DAY

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

On motion of Rep. Naifeh, the House adjourned until Monday, May 22, 1989.